

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #2	CCRB Case #: 201904530	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/21/2019 8:45 AM	Location of Incident: Over the Telephone (112th Precinct stationhouse)	Precinct: 112	18 Mo. SOL 10/21/2020	EO SOL 6/7/2021	
Date/Time CV Reported Thu, 05/09/2019 4:13 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 05/09/2019 4:13 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Olivia Windisch	14925	961454	112 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Kenneth Snipp	01602	935769	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Olivia Windisch	Abuse: Police Officer Olivia Windisch did not process § 87(2)(b)s complaint regarding officers.	

## Case Summary

On May 9, 2019, § 87(2)(b) was interviewed at the CCRB regarding case # 201903874. During that interview § 87(2)(b) provided a statement regarding a new complaint, which was then split into this case.

At approximately 8:45 a.m. on April 21, 2019, § 87(2)(b) called the 112<sup>th</sup> Precinct stationhouse in order to make a complaint against NYPD officers. Police Officer Olivia Windisch of the 112<sup>th</sup> Precinct answered the phone, and when § 87(2)(b) explained the substance of her complaint (which is the subject of CCRB # § 87(2)(b)) Police Officer Windisch allegedly stated, “Sounds like you need to speak to CCRB.” § 87(2)(b) then heard Police Officer Windisch speak with her supervisor, Sergeant Kenneth Snipp of the 112<sup>th</sup> Precinct. Police Officer Windisch then told § 87(2)(b) the phone number for the CCRB, told her that the CCRB would be able to give § 87(2)(b) the shield number of the officers involved, and then ended the call without offering to take § 87(2)(b)'s complaint (**Allegation A: Abuse of Authority – Refusal to process civilian complaint,** § 87(2)(g)).

No relevant video was located in relation to this incident.

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Police Officer Olivia Windisch did not process § 87(2)(b)'s complaint regarding officers.**

On May 7, 2019, § 87(2)(b) was interviewed at the CCRB, and on May 30, 2019, § 87(2)(b) provided a follow-up telephone statement (Board Review 04). On August 21, 2019, Police Officer Windisch was interviewed at the CCRB. On September 6, 2019, Sergeant John Yu of the 112<sup>th</sup> Precinct was interviewed at the CCRB. On September 27, 2019, Sergeant Snipp was interviewed at the CCRB.

§ 87(2)(b) stated that at approximately 8:45 a.m. on April 21, 2019, she called the 112<sup>th</sup> Precinct stationhouse to make a complaint against officers. A female officer, who the investigation has identified as Police Officer Windisch, answered the phone. § 87(2)(b) explained her complaint regarding officers to Police Officer Windisch, and Police Officer Windisch replied by stating, “Sounds like you need to speak to CCRB.” § 87(2)(b) then heard Police Officer Windisch speak to another individual who Police Officer Windisch addressed as “Captain,” though § 87(2)(b) could not hear the conversation. When Police Officer Windisch came back on the line she told § 87(2)(b) the phone number for the CCRB, told her that the CCRB would be able to give § 87(2)(b) the badge number of the officers involved, and then ended the call without offering to take § 87(2)(b)'s complaint over the phone at that time.

Police Officer Windisch stated that at the time § 87(2)(b) called she was on duty as the telephone switchboard operator at the 112<sup>th</sup> Precinct stationhouse. Police Officer Windisch answered § 87(2)(b)'s phone call and § 87(2)(b) stated that she wished to make a complaint against an officer. During the phone call Police Officer Windisch consulted with her Desk Sergeant, who the investigation identified as Sergeant Snipp, telling him that there was a woman on the phone who wished to make a complaint against an officer. Police Officer Windisch at first described to § 87(2)(b) three ways of making a complaint to the CCRB, and then later offered

§ 87(2)(b) the option of coming in-person to the 112<sup>th</sup> Precinct to make a complaint, but did not offer to take the complaint over the phone as. During her CCRB interview Police Officer Windisch stated that this was because, “We don’t take complaints over the phone.” § 87(2)(b) did not request to make the complaint over the telephone and seemed satisfied, and the call ended shortly thereafter.

Sergeant Snipp stated that at approximately 8:45 a.m. on April 21, 2019, he was working at the front desk of the 112<sup>th</sup> Precinct stationhouse, approximately 10 to 15 feet away from Police Officer Windisch. Police Officer Windisch, who had been on the phone, approached Sergeant Snipp in the middle of her phone conversation. Sergeant Snipp had not been paying attention to the conversation Police Officer Windisch was having on the phone until the moment she came over to speak with him. After Police Officer Windisch explained that § 87(2)(b) wished to make a complaint against an NYPD officer and began describing the substance of the complaint, Sergeant Snipp told her to ask § 87(2)(b) for additional details and to advise § 87(2)(b) that she could make a complaint anytime, “On the phone, online, or through letter.” Police Officer Windisch returned to the phone call and Sergeant Snipp did not speak with Police Officer Windisch again about the call.

Sergeant Snipp stated that the standard procedure if a complainant is calling a stationhouse to make a complaint against an officer is to write down the emotional state the complainant is in, such as if the complainant seems hysterical, and what they are complaining about. Then either the complainant will contact the CCRB or the NYPD will advise the complainant how to make a report “right then and there.” If the complainant wishes to make the complaint over the phone the telephone switchboard operator can fill out a form documenting the complaint.

Patrol Guide Procedure Number 207-31 (Board Review 01) states that if a complaint against an officer is received via a telephone call, the officer receiving it is to prepare the first copy of a Civilian Complaint Report form in their own handwriting and to treat it as if it was prepared by the complainant.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

### **Civilian and Officer CCRB Histories**

- This is the 2<sup>nd</sup> CCRB complaint to which § 87(2)(b) has been a party (Board Review 02).
  - § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED].
- Police Officer Olivia Windisch has been a member of service for 3 years. This is the first CCRB complaint in which she has been a subject.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]
- On October 4, 2019, a FOIL request was sent to the Office of the New York City Comptroller requesting any notice of claim filed in relation to this incident. Upon receipt the response to this FOIL request will be added to the case file.

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Squad No.: 2

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date